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U.S. DISTRICT COURT

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IN THE UNITED STATES DISTRICT COURT FOR THE
STATE OF UTAH, CENTRAL DIVISION

MICHAEL E. ANDERER,

Plaintiffs,

vs.

C2 SYSTEMS, LLC, a Delaware limited liability company; JOHN RUDD; STEPHEN A. BRYANT; KENDALL BRYANT; SUN TRUST BANKS, INC. DBA SUN TRUST BANK, ATLANTA; JP MORGAN CHASE BANK, N.A., a national bank; CLAYTON B. MCCULLOUGH; PRATT-THOMAS WALKER, P.A. and JOHN DOES I through XX,

Defendants.

NOTICE OF REMOVAL OF A CIVIL ACTION FROM STATE COURT TO FEDERAL COURT

Case: 2:09cv00077
Assigned To : Benson, Dee
Assign. Date : 1/30/2009
Description: Anderer v. C2 Systems et al

Pursuant to 28 U.S.C. §§ 1441 and 1446, defendant Sun Trust Banks, Inc. ("Sun Trust"), by and through counsel, hereby gives NOTICE OF REMOVAL of the above-entitled action from the Third Judicial District Court in and for Salt Lake County, State of Utah, styled *Michael E. Anderer v. C2 Systems, LLC, a Delaware limited liability company; John Rudd; Stephen A. Bryant; Kendall Bryant; Sun Trust Banks, Inc. DBA Sun Trust Bank, Atlanta; JP Morgan Chase*

Bank, N.A., A National Bank; Clayton B. McCullough; Pratt-Thomas Walker, P.A. And John Does I Through XX, Case No. 080926731, to this Court. The grounds for removal are as follows:

1. This action was commenced by the filing of a Complaint on December 31, 2008, in the Third Judicial District Court in and for Salt Lake County, State of Utah. (Complaint, attached hereto as Exhibit A).
2. The Complaint alleges a claim of defamation against all defendants and numerous other causes of action against various defendants. The Complaint also alleges causes of action for declaratory relief, appointment of a receiver, breach of contract, and other causes of action. (*Id.*)
3. Sun Trust is informed and believes that Plaintiff is a resident of the State of Utah.
4. Sun Trust is informed and believes that Stephen A. Bryant and Kendall Bryant are residents of the State of Georgia.
5. Sun Trust is informed and believes that C2 Systems, LLC is a Delaware limited liability company with its principal place of business located in Georgia.
6. Sun Trust is a corporation organized under the laws of the State of Georgia, with its principal place of business in Georgia.
7. Sun Trust is informed and believes that John Rudd is a resident of the State of Texas.
8. Sun Trust is informed and believes that Clayton B. McCullough is a resident of South Carolina.
9. Sun Trust is informed and believes that Pratt-Thomas Walker, P. A. is a professional association organized under the laws of South Carolina.

10. Sun Trust is informed and believes that JP Morgan Chase Bank, N.A. ("Chase") is a national association with its residence is Ohio.

11. Based on the above, none of the Defendants are citizens of Utah.

12. Defendant Chase was served with a Summons and Complaint on December 31, 2008. A copy of the Summons is attached as Exhibit B.

13. Plaintiff's complaint alleged damages of at least \$150,000,000.00, and therefore the amount in controversy exceeds \$75,000, exclusive costs and interest.

14. Based on complete diversity and the amount in controversy, this Court has original jurisdiction over the above-entitled action pursuant to 28 U.S.C. § 1332, and this action may be removed to this Court pursuant to 28 U.S.C. § 1441.

15. Removal of this action is timely. Less than thirty (30) days have elapsed since the first-served defendant, Chase, was served with a copy of the Summons and Complaint.

16. Each of the other defendants has consented to removal (*See* Consent of C2 Systems, LLC, John Rudd, Kendal Bryant, and Stephen Bryant Removal of Civil Action from State Court to Federal Court, Consent of JP Morgan Chase Bank N.A. to Removal of Civil Action from State Court to Federal Court, and Consent of Clayton B. McCullough and Pratt-Thomas Walker, P.A. to Removal of Civil Action from State Court to Federal Court, attached as Exhibit C).

17. Written notice of this removal is being served on this date on counsel for Plaintiff.

18. A true and correct copy of this Notice of Removal is being filed this date with the Clerk of the Third Judicial District Court, in and for Salt Lake County, State of Utah.

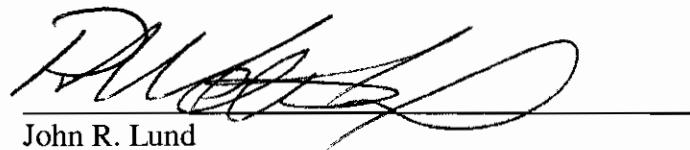
19. By filing this Notice of Removal or by consenting to the removal of this civil action, the Defendants, including Sun Trust, do not waive any defense that may be available to

them including, without limitations, the defense of failure to state a claim upon which relief may be granted, improper or lack of service of process, lack of personal jurisdiction, and improper venue.

WHEREFORE, defendant Sun Trust prays that the above-entitled matter now pending before the Third Judicial District Court in and for Salt Lake County, State of Utah, be removed to the United States District Court for the State of Utah, Central Division, and that said action stand so removed.

DATED this 30 day of January, 2009.

SNOW, CHRISTENSEN & MARTINEAU



John R. Lund
P. Matthew Cox
Attorneys for Defendant Sun Trust Banks, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of January, 2009, I caused a true and correct copy of the foregoing **NOTICE OF REMOVAL OF A CIVIL ACTION FROM STATE COURT TO FEDERAL COURT** with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

David W. Scofield
Thomas W. Peters
PETERS, SCOFIELD
Suite 340 Broadway Center
111 East Broadway
Salt Lake City, Utah 84111

Katrina Mullen

Legal Assistant